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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,680	07/03/2003	Markus Weber	STERN16.001AUS	7379
20995	7590	11/29/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			MANOHARAN, VIRGINIA	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			1764	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



### DETAILED ACTION

Restriction to one of the following inventions is required under 35 U.S.C.

121:

- I. Claims 1-23 , drawn to a method for recovering acetone from a waste stream from an acetone purification stage, wherein said waste stream comprises mesityl oxide, classified in class 203, subclass 78.
- II. Claims 24-26, drawn to a method of manufacturing phenol and acetone from cumene according to the Hock process, classified in class 568, subclass 411.

The inventions are distinct, each from the other because:

Inventions II and I are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed. The combination could simply require the process of separation via extraction with or without additional distillation steps. This is recognized by applicants, noting page 1, last four lines from the bottom, of the specification. The subcombination has separate utility such as in a manufacturing process in lieu of a purification process.

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Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the different inventions have different modes of operation, different functions or different effects as the invention of Group II requires a reaction method or process for manufacturing purposes, unlike the invention of Group I requiring only a method or process of purification.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification; and have acquired a separate status in the art because of their recognized divergent subject matter above; and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

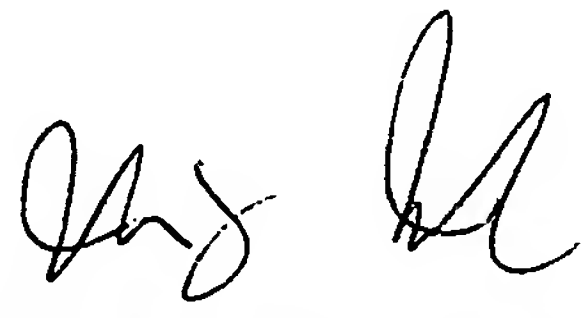
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virginia Manoharan whose telephone number is 571-272-1450.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola, can be reached on 571-272-1444. The

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fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
VIRGINIA MANCHAFIAN  
PRIMARY EXAMINER  
ART UNIT 125 1764  
11/22/05